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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA, Plaintiff, vs. GABRIEL COWAN METCALF, Defendant.	CR 23-103-BLG-SPW DEFENDANT’S PROPOSED JURY INSTRUCTION
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The Defendant, represented by the undersigned, offers the following proposed jury instruction for the Court’s consideration. The Defendant otherwise does not object to the Instructions and Verdict Form offered by the United States.

DATED this 18th day of March, 2024.

/s/ Russell A. Hart
RUSSELL A. HART
Assistant Federal Defender

INSTRUCTION NO. ____

The defendant is charged in the indictment with possession of a firearm in violation of 18 U.S.C. 922(q)(2)(A). For the defendant to be found guilty of that charge, the government must prove each of the following elements beyond a reasonable doubt:

First, the defendant knowingly possessed a firearm;

Second, the defendant possessed the firearm in a place he knew or had reasonable cause to believe was a school zone; and

Third, the firearm had been transported from one state to another or between a foreign nation and the United States.

18 U.S.C. 922(q)(2)(A) does not apply to the possession of a firearm on private property not part of school grounds;

The term “school zone” means—

(A) in, or on the grounds of, a public, parochial or private school; or

(B) within a distance of 1,000 feet from the grounds of a public, parochial or private school.

The term “school” means a school which provides elementary or secondary education, as determined under State law.

Title 18 U.S.C. § 922(q)(2) and 921(a)(3)

DEFENDANT’S PROPOSED INSTRUCTION NO. 29